

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

SCOTT B. BURGESS,

Petitioner,

v.

CIVIL ACTION NO. 2:16-cv-10949

RUSSELL MASTON,

Respondent.

ORDER

Before the Court are Petitioner's *pro se* Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, (ECF No. 2), and Respondent's Motion for Summary Judgment, (ECF No. 52). By standing order entered on January 4, 2016, and filed in this case on November 17, 2016, (ECF No. 7), this action was referred to United States Magistrate Judge Cheryl A. Eifert for submission of proposed findings and a recommendation for disposition ("PF&R"). Magistrate Judge Eifert entered her PF&R on March 9, 2021, recommending this Court grant Respondent's Motion for Summary Judgment, deny Petitioner's Petition for Writ of Habeas Corpus, and dismiss and remove this case from the docket of the court. (ECF No. 58.)

This Court is not required to review, *de novo* or under any other standard, factual or legal conclusions contained within the PF&R to which no objections were addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and Plaintiff's right to appeal this Court's order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition,

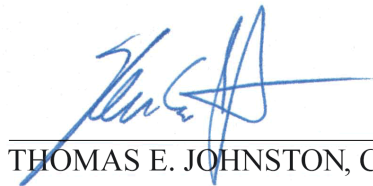
this Court need not conduct a *de novo* review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

Objections to the PF&R in this case were due on March 26, 2021. To date, no objections have been filed. Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 58); **GRANTS** Respondent’s Motion for Summary Judgment, (ECF No. 52); and **DENIES** Petitioner’s Petition for Writ of Habeas Corpus, (ECF No. 2). The Court further **DIRECTS** the Clerk to remove this matter from the Court’s docket.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: June 3, 2021

A handwritten signature in blue ink, appearing to read 'Th. Johnston', is written over a horizontal line.

THOMAS E. JOHNSTON, CHIEF JUDGE